

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

COREY E. FISHERMAN,

Case No. 21-CV-735 (NEB/JFD)

Petitioner,

v.

ORDER ON REPORT AND
RECOMMENDATION

STATE OF MINNESOTA,

Respondent.

The Court has received the November 2021 Report and Recommendation of United States Magistrate Judge John F. Docherty. (ECF No. 10.) Fisherman makes a non-specific objection to the Report and Recommendation. (ECF No. 11 (“[I,] Corey E. Fisherman[,] object to this R-and-R.”).) Even though courts in this District have applied the clear error standard of review for non-specific objections, the Eighth Circuit has emphasized the necessity for *de novo* review when a party makes any objection. *See United States v. Chapman*, No. 18-CR-00250 (ECT/SER), 2019 WL 1487847, at *1–2 (D. Minn. Apr. 4, 2019) (collecting cases and discussing Eighth Circuit precedent). The Court has reviewed the matter *de novo* and agrees with the thorough analysis of the R&R. Although Fisherman exhausted his state remedies, he failed to adequately present his federal claim to the state court, so he has procedurally defaulted. Because his claim is defaulted and no exception to default is present, the petition for *habeas corpus* must be denied.

Therefore, based on the foregoing and on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The Objection to the Report and Recommendation (ECF No. 11) is
OVERRULED;
2. The Report and Recommendation (ECF No. 10) is ACCEPTED;
3. The Petition for Writ of Habeas Corpus (ECF No. 1) under 28 U.S.C. § 2254
is DENIED;
4. The action is DISMISSED WITH PREJUDICE; and
5. No certificate of appealability be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 23, 2022

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge